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RESOLUTION NO. 09-308

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING STORM WATER DRAIN NO. 283 (EAST OF 119TH ST. WEST, NORTH OF 29TH ST. NORTH) 468-84122 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING STORM WATER DRAIN NO. 283 (EAST OF 119TH ST. WEST, NORTH OF 29TH ST. NORTH) 468-84122 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 05-622 adopted on November 22, 2005 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve Storm Water Drain No. 283 (east of 119th St. West, North of 29th St. North) 468-84122.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be Five Hundred Ninety-Six Thousand Dollars (\$596,000) the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after September 1, 2009, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

FONTANA ADDITION

Lots 1 through 40, Block 1

Lots 49 through 55, Block 3

FONTANA 2ND ADDITION

Lots 1 through 36, Block 1

Lots 1 through 8, Block 2

FONTANA 4TH ADDITION

Lots 1 through 26, Block 3

Lots 1 through 28, Block 4

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: That Lots 1 through 40, Block 1, and Lots 49 through 55, Block 3, FONTANA ADDITION,

and Lots 1 through 36, Block 1, and Lots 1 through 5, Block 2, FONTANA 2ND ADDITION shall each pay 1,460/596,000 of the total cost payable by the improvement district; and that Lots 6 through 8, Block 2, FONTANA 2ND ADDITION shall each pay 1,461/596,000 of the total cost payable by the improvement district; and that Lots 1 through 26, Block 3, and Lots 1 through 15, Block 4, FONTANA 4TH ADDITION shall each pay 8,080/596,000 of the total cost payable by the improvement district; and that Lots 16 through 21, Block 4, FONTANA 4TH ADDITION shall each pay 9,375/596,000 of the total cost payable by the improvement district; and that Lots 22 through 28, Block 4, FONTANA 4TH ADDITION shall each pay 10,801/596,000 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 22<sup>nd</sup> day of September, 2009.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)